

## REMARKS

Claims 1-34 were pending prior to this amendment. Claims 1-34 stand rejected. Claims 1-34 have been cancelled. New claims 35-66 have been added. Claims 35-66 are currently pending. At least in light of the above amendments and the foregoing remarks, reconsideration and allowance of the claims is respectfully requested.

### *Claim Rejections - 35 U.S.C. § 101*

Claims 27 and 28 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 27 and 28 have been canceled. Therefore, the rejection is rendered moot and should be withdrawn.

### *Claim Rejections - 35 U.S.C. § 102*

Claims 1-8, 10-16, 19-20, 24-27, 29-31 and 33-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bertin et al., U.S. Patent No. 6,400,681 (hereinafter "Bertin").

Claims 1-8, 10-16, 19-20, 24-27, 29-31 and 33-34 have been canceled. Therefore, the rejection is rendered moot and should be withdrawn.

### *Claim Rejections - 35 U.S.C. § 103*

Claims 9, 17-18, 21-23, 18 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertin in view of Munoz, U.S. Patent No. 6,741,585 (hereinafter "Munoz").

Claims 9, 17-18, 21-23, 18 and 32 have been cancelled. Therefore, the rejection is rendered moot and should be withdrawn.

### *New Claims*

New claims 35-66 are respectfully submitted. New claims 35-66 should be allowed.

With respect to new claim 35, Bertin at least does not teach, identifying a predefined type of information element and inserting therein an indication of whether at least one link type selected from the group comprising encrypted links, satellite links, and public infrastructure links is preferred or non-preferred for a virtual circuit, as is disclosed in Claim 35. Applicant submits that claim 35 distinguishes from Bertin on at least the foregoing basis. Munoz does not cure the deficiencies of Bertin. Thus, claim 35 should be allowed. Claims

36-38 depend from claim 35 and therefore distinguish from Bertin and Munoz on at least the same basis. Therefore, claims 36-38 should be allowed.

Further, support for claims 35-38 can be found throughout the specification, for instance, on page 5, lines 10-14 and page 15, lines 1-15.

With respect to new claim 39, Bertin at least does not teach, identifying information elements marked as optional extensions to a protocol standard in an intermediate node to determine an indication of whether at least one link type selected from the group comprising encrypted links, satellite links, and public infrastructure links is preferred or non-preferred for a call, as is disclosed in Claim 39. Applicant submits that claim 39 distinguishes from Bertin on at least the foregoing basis. Munoz does not cure the deficiencies of Bertin. Thus, claim 39 should be allowed. Claims 40-45 depend from claim 39 and therefore distinguish from Bertin and Munoz on at least the same basis. Therefore, claims 40-45 should be allowed.

Further, support for claims 39-45 can be found throughout the specification, for instance, support for claim 39 can be found, at least, on page 13, lines 18-26, support for claims 40 and 41 can be found, at least, on page 19, lines 14-19, support for claims 42-44 can be found, at least, on page 15, lines 1-15 and support for claim 45 can be found, at least, on page 12, lines 1-18.

New claims 46-52 should be allowed. These claims include similar features as claims 39-45, and thus should be allowed for at least similar reasons.

Further, support for claims 46-52 can be found throughout the specification, for instance, support for claim 46 can be found, at least, on page 13, lines 18-26, support for claims 47 and 48 can be found, at least, on page 19, lines 14-19, support for claims 49-51 can be found, at least, on page 15, lines 1-15 and support for claim 52 can be found, at least, on page 12, lines 1-18.

With respect to new claim 53, Bertin at least does not teach, determining if an information element comprises a preferential attribute parameter of a link or node, or combinations thereof and comparing the preferential attribute parameter to a supplemental attribute related to a characteristic of a network link and/or node, as is disclosed in Claim 53. Applicant submits that claim 53 distinguishes from Bertin on at least the foregoing basis. Munoz does not cure the deficiencies of Bertin. Thus, claim 53 should be allowed. Claims 54 – 66 depend from claim 53 and therefore distinguish from Bertin and Munoz on at least the same basis. Therefore, claims 53-66 should be allowed.

Further, support for claims 53-66 can be found throughout the specification, for instance, support for claims 53-55 and 60-61 can be found, at least, on page 13, lines 18-26,

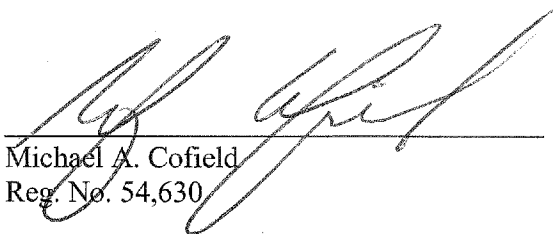
support for claims 56-58 can be found, at least, on page 12, lines 10-19, support for claim 59 can be found, at least, on page 19, lines 14-19, support for claims 62-63 can be found, at least, on page 15, lines 1-15, support for claim 64 for be found, at least, on page 23, lines 7-15 and support for claims 65-66 can be found, at least, on page 10, lines 10-20.

### **CONCLUSION**

For the foregoing reasons, reconsideration and allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at 503-224-2170 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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